

1 GARY M. RESTAINO
2 United States Attorney
2 District of Arizona

3 ADDISON SANTOME
4 Arizona State Bar No. 031263
4 Assistant U.S. Attorneys
5 Two Renaissance Square
5 40 N. Central Ave., Suite 1800
6 Phoenix, Arizona 85004
6 Telephone: 602-514-7500
7 Email: Addison.santome@usdoj.gov
7 *Attorney for Plaintiff*

8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE DISTRICT OF ARIZONA

10 United States of America,

11 Plaintiff,

12 vs.

14 Noe Mendoza,

15 Defendant.

16 No. CR 21-00808-PHX-DLR

17 UNITED STATES' SENTENCING
18 MEMORANDUM AND RESPONSE TO
19 PRESENTENCE REPORT

20 Sentencing Hearing: 8/1/2022

21 Defendant is before the Court for sentencing following his guilty plea to Count Four
22 of the Indictment, Smuggling Goods from the United States, a violation of 18 United States
23 Code (U.S.C.), § 554(a), a class C felony offense (Dkt. 22). Plaintiff United States of
24 America, by and through its counsel of record, hereby submits its memorandum regarding
25 sentencing of defendant Noe Mendoza (“defendant”). The government’s position regarding
sentencing is based upon the files and records in this case, the stipulations in the plea
agreement (Dkt. 22), the Final Presentence Investigation Report (Dkt. 29), Defense’s
Sentencing Memorandum (Dkt. 30), and any argument that the Court may request at the
sentencing hearing.

26 PRESENTENCE REPORT

27 The government, having reviewed the Final Pretrial Investigation Report (Dkt. 29)
28 prepared by U.S. Probation Officer Sarah J. White, concurs with the guideline calculation.

SENTENCING RECOMMENDATION

As stipulated in the plea agreement (Dkt. 22), the defendant will receive a sentence that does not exceed the low end of the guideline calculation. The United States, having reviewed the Final Pretrial Investigation Report (Dkt. 29), accepts and agrees the guideline calculation to be between six to twelve months. Therefore, the defendant shall not receive a sentence more than six months.

In determining the appropriate sentence, the United States considered the defendant's lack of criminal history, comparative culpability to the co-defendant, and acceptance of responsibility. The United States acknowledges that the defendant has already served more time in custody than what is required by the plea agreement. Consistent with the plea stipulation and in agreement with Defense's recommendation (Dkt. 30), the United States submits that a six (6) month term of imprisonment followed by three (3) years of supervised release is an appropriate resolution of this case, is in the interest of justice, and achieves the purposes of sentencing established in 18 U.S.C. § 3553.

In close, the United States respectfully request that the Court sentence the defendant to six months imprisonment followed by three years supervised release.

Respectfully submitted this 1 day of August, 2022.

GARY M. RESTAINO
United States Attorney
District of Arizona

s/Addison Santome

ADDISON SANTOME
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of August, 2022, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrant:

Ian Bucon
Attorney for Defendant

s/Addison Santome
U.S. Attorney's Office